

Remarks

The Official Action mailed November 11, 2008 rejected claims 1-35. Applicant has cancelled claim 1-35 and added new claims 36 to 69. Allowance of the pending claims 36 to 69 is earnestly solicited.

Claims Rejections under 35 U.S.C. § 112

The Office Action rejects claims 1-35 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicant has cancelled claims 1-35. Applicant respectfully requests that the present rejection of claim 1-35 be withdrawn

Claims Rejections under 35 U.S.C. § 103 (845/570)

The Office Action rejects claims 1-18 and 27-35 under 35 U.S.C. 103(a) as being unpatentable by Frank et al. (U.S. Patent PG Publication 2006/0106845) in view of Frank et al. (U.S. Patent PG Publication 2007/0136570). Applicant has cancelled claims 1-18 and 27-35. Applicant respectfully requests the rejection of claims 1-18 and 27-35 be withdrawn.

Claims Rejections under 35 U.S.C. § 103 (845)

The Office Action rejects claims 19-26 under 35 U.S.C. 103(a) as being unpatentable over 845. Applicant has cancelled claims 19-26. Applicant respectfully requests the rejection of claims 19-26 be withdrawn.

Newly Added Claims

The Applicants have added claims 36 to 69 which contain limitations not disclosed, taught, or suggested by the cited art. In particular, claims 36-45 recite a system comprising: a storage device to store first information that indicates whether the system is allowed to be used; and a processor to enable the use of the system, in response to determining that a grace period indicated by the first information has not expired to control payment associated with the system. The cited references fail to disclose, teach, or suggest a processor to enable the use of the system, in response to determining that a grace period indicated by the first information has not expired to control payment associated with the system defined as described above. Similarly, newly added claims 46-69 may relate to a grace period. In order to expedite prosecution, the Applicants respectfully point out that 845 appears to disclose activating a resource based on fund information (Fig. 5). 845 however does not seem to disclose enabling the use of a system based on determining a grace period. 570 does not seem to disclose determining a grace period.

Conclusion

The foregoing is submitted as a full and complete response to the Office Action.

Applicant submits that the application is in condition for allowance. Reconsideration is requested, and allowance of the pending claims is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account # 02-2666. If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at 503-439-8778 is respectfully solicited.

Respectfully submitted,

December 31, 2008

Date

/Gregory D. Caldwell/

Gregory D. Caldwell
Reg. No. 39,926

c/o Blakely, Sokoloff, Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085
503-439-8778